

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT**

MYWEBGROCER, INC.	)	
	)	
Plaintiff and	)	
Counterclaim Defendant	)	
	)	
v.	)	Civil Action No. 5:16-cv-00310-gwc
	)	
ADLIFE MARKETING &	)	
COMMUNICATIONS CO., INC.	)	
	)	
Defendant and	)	
Counterclaim Plaintiff	)	
_____	)	

**INDEX OF EXHIBITS TO PLAINTIFF’S STATEMENT OF UNDISPUTED MATERIAL  
FACTS**

Pursuant to this Court’s February 20, 2019 Notice of Revision to Administrative Procedures for Electronic Case Filing, Plaintiff MyWebGrocer, Inc. (“MyWebGrocer”) submits the following Index identifying each document filed concurrently with MyWebGrocer’s Local Rule 56(a) Statement of Undisputed Material Facts and cited therein.

Document	Description
MyWebGrocer’s Statement of Undisputed Facts <sup>1</sup>	
Index of Exhibits	
Declaration of Matthew S. Borick, Esq. <sup>2</sup>	
• Exhibit 1	Relevant excerpts from the Deposition of Jeremiah Tarrant

<sup>1</sup> MyWebGrocer’s Statement of Undisputed Facts supports both its Motion for Summary Judgment on Liability and its Motion for Summary Judgment on Damages.

<sup>2</sup> All documents denominated as “Exhibits” in this Index are exhibits to the Declaration of Matthew S. Borick, Esq., and are identified in that Declaration.

	in this matter
• Exhibit 2	Document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of U.S. Copyright Registration No. VA 2-020-735
• Exhibit 3	Relevant excerpt from a document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of the deposit material for U.S. Copyright Registration No. VA 2-020-735
• Exhibit 4	March 24, 2000 purchase record from Multi-Ad Services
• Exhibit 5	Document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of U.S. Copyright Registration No. VA 2-019-921
• Exhibit 6	Relevant excerpt from a document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of the deposit material for U.S. Copyright Registration No. VA 2-019-921
• Exhibit 7	Document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of U.S. Copyright Registration No. VA 2-017-741
• Exhibit 8	Relevant excerpt from a document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of the deposit material for U.S. Copyright Registration No. VA 2-017-741
• Exhibit 9	Document produced by Defendant in this matter and identified as a “photography license audit” pertaining to the “WrapTurkeyHam001” image
• Exhibit 10	Email correspondence between representatives from MyWebGrocer, Pennington Quality Market, and Media Minds
• Exhibit 11	Document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of U.S. Copyright Registration No. VA 2-022-602
• Exhibit 12	Relevant excerpt from a document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of the deposit material for U.S. Copyright Registration No. VA 2-022-602
• Exhibit 13	Excerpt from MyWebGrocer’s master services agreement with Piggly Wiggly
• Exhibit 14	Document produced by Defendant in this matter and identified as the “PreparedFoodPhotos.com Subscriber Listing.
• Exhibit 15	Print-out of a webpage accessed at <a href="https://preparedfoodphotos.com/Food-Stock-Photography/22768/Three-Loose-Mangos.html">https://preparedfoodphotos.com/Food-Stock-Photography/22768/Three-Loose-Mangos.html</a> (last accessed on Feb. 22, 2019)
• Exhibit 16	Document produced by Defendant in this matter and

	represented by Defendant to be a true and correct copy of U.S. Copyright Registration No. VA 2-047-017
• Exhibit 17	Relevant excerpt from a document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of the deposit material for U.S. Copyright Registration No. 2-047-017
• Exhibit 18	Excerpt from MyWebGrocer's master services agreement with Key Food
• Exhibit 19	Document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of U.S. Copyright Registration No. VA 2-012-581
• Exhibit 20	Relevant excerpt from a document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of the deposit material for U.S. Copyright Registration No. VA 2-012-581
• Exhibit 21	Email correspondence between representatives from MyWebGrocer and iStock
• Exhibit 22	Relevant excerpt from MyWebGrocer's download history from iStock
• Exhibit 23	2009 license form furnished by iStock
• Exhibit 24	Relevant excerpt from MyWebGrocer's download history from iStock
• Exhibit 25	2007 license form furnished by iStock
• Exhibit 26	Relevant excerpts from Defendant's Response to MyWebGrocer's Second Set of Interrogatories and Document Requests (Set One)
• Exhibit 27	Relevant excerpts from Defendant's April 2, 2018 response to MyWebGrocer's meet-and-confer letter
• Exhibit 28	Relevant excerpts from Defendant's Responses to MyWebGrocer's Requests for Production (Set Three)
• Exhibit 29	Relevant excerpts from the Deposition of Joel Albrizio in this matter
• Exhibit 30	Complaint in an action styled Albrizio v. Puccio, Civil Action No: 10-2845-BLS1, 2010 WL 8112586 (Mass. Super. Ct. Jul. 16, 2010)
• Exhibit 31	Memorandum of Decision and Order in <u>Albrizio v. Puccio</u> , reported at 28 Mass. L. Rptr. 298, 2011 WL 1771077, (Mass. Super. Ct. Apr. 11, 2011)
• Exhibit 32	Print-out of a webpage accessed at <a href="https://radaris.com/~Joel-Albrizio/1204080499">https://radaris.com/~Joel-Albrizio/1204080499</a> (last accessed on Feb. 22, 2019)
• Exhibit 33	Exhibit 2 to the June 21, 2018 deposition of Joel Albrizio in this matter
• Exhibit 34	Print-out of a webpage accessed at <a href="https://www.linkedin.com/in/joelalbrizio">https://www.linkedin.com/in/joelalbrizio</a> (last accessed on Aug. 27, 2018)

• Exhibit 35	Document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of U.S. Copyright Registration No. VA 2-014-708
• Exhibit 36	Relevant excerpt from a document produced by Defendant in this matter and represented by Defendant to be a true and correct copy of the deposit material for U.S. Copyright Registration No. 2-014-708
• Exhibit 37	Print-out of a webpage accessed at <a href="https://www.beefitswhatsfordinner.com/marketing-resources/beef-promotion-assets">https://www.beefitswhatsfordinner.com/marketing-resources/beef-promotion-assets</a> (last accessed on Feb. 22, 2019)
• Exhibit 38	Document produced by Defendant in this action entitled “Adlife Digital Food Photography Distributor Agreement”
• Exhibit 39	Email correspondence between representatives from MyWebGrocer and Multi-Ad Services
• Exhibit 40	Print-out of a webpage accessed at <a href="https://www.istockphoto.com/faq/purchasing">https://www.istockphoto.com/faq/purchasing</a> (last accessed on Feb. 22, 2019)
• Exhibit 41	Print-out of a webpage accessed at <a href="https://www.istockphoto.com/plans-and-pricing">https://www.istockphoto.com/plans-and-pricing</a> (last accessed on Feb. 22, 2019)
• Exhibit 42	Print-out of a webpage accessed at <a href="http://www.preparedfoodphotos.com/">http://www.preparedfoodphotos.com/</a> (last accessed on Feb. 22, 2019)
• Exhibit 43	Print-out of a webpage accessed at <a href="https://preparedfoodphotos.com/terms.of.use.php">https://preparedfoodphotos.com/terms.of.use.php</a> (last accessed on Feb. 22, 2019)
Affidavit of Allison M. Berger	
Affidavit of David Ciolfi	
Affidavit of Marc Radosevic	
Affidavit of Michael Rothwell	
Affidavit of Jeremiah Tarrant	
Affidavit of Robert Tegge	

Dated at Burlington, Vermont this 1st day of March, 2019.

MYWEBGROCER, INC.

/s/ Matthew S. Borick

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